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REMARKS

In the Non-Final Office Action, Examiner Chavis rejected claims 1-32 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,684,393 B1 to *Leon*.

As to the §102(e) rejection of independent claims 1-32, the Applicant has thoroughly considered Examiner Chavis' remarks concerning the patentability of claims 1-32 over *Leon*. The Applicant has also thoroughly read *Leon*. To warrant this §102(e) rejection of claims 1-32, *Leon* must show each and every limitation of claims 1-32 in as complete detail as is contained in claims 1-32. See, MPEP §2131. The Applicant respectfully traverses this §102(e) rejection of claims 1-32, because *Leon* among other things fails to show the following limitations of independent claims 1, 16 and 25 in as complete detail as is contained in independent claims 1, 16 and 25:

1. “determining a runtime sensitivity of the native instructions” and “inserting at least a portion of the native instructions into the internal memory at runtime based on the determined availability of internal memory and the runtime sensitivity determination” as recited in independent claim 1;
2. “computer program code to determine a runtime sensitivity of the native instructions” and “computer program code to insert at least a portion of the native instructions into the internal memory at runtime based on the determined availability of internal memory and the runtime sensitivity determination” as recited in independent claim 16; and
3. “means for determining a runtime sensitivity of the native instructions” and “means for inserting at least a portion of the native instructions into the internal memory at runtime based on the determined availability of internal memory and the runtime sensitivity determination” as recited in independent claim 25.

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Specifically, as illustrated in FIG. 2B of *Leon*, the Applicant respectfully asserts that *Leon* teaches a C++ loop code segment whereby only one copy of an object instance 78 is allocated within a memory space 76 for a series of objects 0-N over numerous iterations of the C++ loop code segment. By comparison as illustrated in FIG. 2A of *Leon*, the Applicant respectfully asserts that *Leon* teaches a JAVA loop code segment whereby a new object instance is allocated within a memory space 66 for a series of objects 0-N over numerous iterations of the JAVA loop code segment. See, Leon at column 1, line 52 to column, line 14. A proper understanding of *Leon* reveals the fact that the inventive principle of *Leon* is to force the JAVA loop code segment to behave more like the C++ loop code segment in terms of the allocation of memory space for object instances over numerous iterations of a loop code segment. See, Leon at column 2, lines 40-57.

To this end, *Leon* teaches an incoming stream of computer instructions is analyzed by an executable module to determine the presence of a first predetermined operator in the stream of computer instructions. If the first predetermined operator is present, the present invention determines the value of a parameter following the first operator in the stream and the executable module interposes a second operator in place of the first operator and reuses a local memory space to store an instance of the parameter in the memory space in response to the execution of the second operator. See, Leon at column 3, line 10 to column 4 line 3. However, as required by independent claims 1, 16 and 25, *Leon* fails the incoming stream of computer instructions are analyzed by the executable module to determine a runtime sensitivity of the computer instructions and to insert at least a portion of the native instructions into the internal memory at runtime based on the determined availability of an internal memory and the runtime sensitivity determination. In fact, *Leon* and the present invention are suitable to be used in a complementary way. For example, with a Java code segment, *Leon* could be used prior to runtime to force any loop of the code segment to behave like a C++ loop segment and the present invention can be used thereafter to determine which portion of the Java code segment should be inserted in an internal memory at runtime based on the determined availability of an internal memory and the runtime sensitivity determination of the Java code segment.

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Withdrawal of the rejection of claims 1, 16 and 25 under 35 U.S.C. §102(e) as being anticipated by *Leon* is therefore respectfully requested.

Claims 1-15 depend from independent claim 1. Therefore, dependent claims 1-15 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 1-15 are allowable over *Leon* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Leon*. Withdrawal of the rejection of dependent claims 1-15 under 35 U.S.C. §102(e) as being anticipated by *Leon* is therefore respectfully requested.

Claims 17-24 depend from independent claim 16. Therefore, dependent claims 17-24 include all of the elements and limitations of independent claim 16. It is therefore respectfully submitted by the Applicant that dependent claims 17-24 are allowable over *Leon* for at least the same reason as set forth herein with respect to independent claim 16 being allowable over *Leon*. Withdrawal of the rejection of dependent claims 17-24 under 35 U.S.C. §102(e) as being anticipated by *Leon* is therefore respectfully requested.

Claims 26-32 depend from independent claim 25. Therefore, dependent claims 26-32 include all of the elements and limitations of independent claim 25. It is therefore respectfully submitted by the Applicant that dependent claims 26-32 are allowable over *Leon* for at least the same reason as set forth herein with respect to independent claim 25 being allowable over *Leon*. Withdrawal of the rejection of dependent claims 26-32 under 35 U.S.C. §102(e) as being anticipated by *Leon* is therefore respectfully requested.

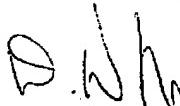
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SUMMARY

The Examiner Chavis' rejection of claims 1-32 have been obviated herein by remarks supporting an allowance of independent claims 1-32 over the art of record, particularly *Leon*. The Applicant respectfully submits that pending claims 1-32 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Chavis is respectfully requested to contact the undersigned at the telephone number listed below.

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